



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Sidney Latham
Secretary of State
Austin, Texas

Dear Mr. Latham:

Opinion No. 0-5337

Re: Effective date of S. B. No. 293,
48th Legislature.

Your statement and question contained in your request for an opinion by this department are as follows:

"Senate Bill No. 293, of the Regular Session of the 48th Legislature, was passed by the Senate by a vote of 26 yeas and 0 nays, and was passed by the House of Representatives by a vote of 135 yeas and 0 nays. The bill carried an emergency clause containing the usual provisions designed to place it in immediate effect.

"This bill was sent to the Governor for his approval on May 5, 1943. The Legislature adjourned sine die on May 11, 1943. The Governor filed the bill in the office of the Secretary of State WITHOUT HIS SIGNATURE on May 17, 1943.

"It will be noted that the bill was sent to the Governor within the last ten days of the Session, and falls within the class of bills upon which the Governor has twenty days after final adjournment of the Session to act under Section 14 of Article 4 of the Constitution; but the bill was filed in this office before the expiration of the twenty day period.

"In the light of the above facts, please advise this Department upon the following inquiry:

"What is the effective date of Senate Bill No. 293?"

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The answer is, Senate Bill 293 became effective May 17, 1943, upon the filing by the Governor of the Bill in the office of the Secretary of State without his signature.

The reason for this answer is that the twenty days allowed to the Governor under the circumstances stated by you within which to file the Bill with his objections or approval are days of grace or privilege of time within which he may exercise his discretion of executive approval or disapproval. When, however, even though short of that period he has exercised his prerogative, he has fully functioned, the matter is out of his control, and the Bill becomes effective according to its terms as though he had neglected to exercise the privilege of the full twenty days allowed him.

Our recent opinion No. 0-8310 is analogous in principle, though not identical in substance, and we are handing you herewith a copy of that opinion.

Very truly yours,

Ernest S. Bell
 FIRST ASSISTANT
 ATTORNEY GENERAL

1943
 ATTORNEY GENERAL OF TEXAS

By

Ocie Speer
 Ocie Speer
 Assistant

OS-MR

enclosure

